

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/840,288 04/14/97 COMPADRE C 023533/102

IM31/0114

EXAMINER

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CHIN, P

ART UNIT

PAPER NUMBER

1731

**DATE MAILED:**

01/14/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Response to Rule 312  
Communication**

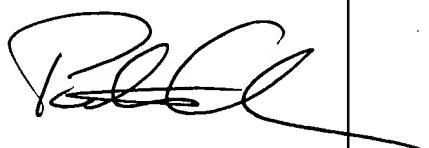
Application No. <b>08/840,288</b>	Applicant(s) <b>Compadre et al</b>
Examiner <b>Peter Chin</b>	Group Art Unit <b>1731</b>

The petition filed on \_\_\_\_\_ under 37 CFR 1.312(b) is granted. The paper has been forwarded to the examiner for consideration on the merits.

The amendment filed on Sep 24, 1999 under 37 CFR 1.312 has been considered, and has been:

- entered.
- entered as directed to matters of form not affecting the scope of the invention (Order 3311).
- disapproved. See explanation below.
- entered in part. See explanation below.

*Note: the prior art cited by Applicant in the Information Disclosure Statement submitted on 9/24/99 has been considered, note attached PTO-1449.*



**PETER CHIN  
PRIMARY EXAMINER  
ART UNIT 1731**

Art Unit: 1303

**Part III DETAILED ACTION**

1. Claims 1-25 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Lattin et al (5,366,983 cited by Applicant).

Lattin discloses the contacting of poultry and meat products with a solution of quaternary ammonium compound as claimed for reducing *Salmonella* contamination. Lattin et al, however, is silent as to the effect of the quaternary ammonium compound on microbial contaminants other than *Salmonella*.

In view of the fact that Lattin et al employs the claimed quaternary ammonium compound in the claimed concentration for the same contact times on the same type of food surface, it is inherent that the quaternary ammonium compound in Lattin et al will reduce the microbial contamination by microorganisms other than *Salmonella*. In any event, it is well known that the claimed quaternary ammonium compounds are effective against microorganisms other than *Salmonella*. If additional evidence is needed see the prior art cited below. Thus, at the very least, it would have obvious that the quaternary ammonium compound in Lattin et al would have been effective against microorganisms other than *Salmonella*.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Serial Number: 08/631,578

-3-

Art Unit: 1303

AN 69(05):C0205, and 89(11):C0023 Food Science and Technology Abstracts (FSTA) shows that quaternary ammonium compounds have bactericidal action against microbial contaminants other than *Salmonella*.

AN 1990:426739, 1973:417711, 1971:86344 and 1968:43156 CAPLUS abstracts show the well known antiseptic action of quaternary ammonium compounds against microbial contamination other than *Salmonella*.

Thompson (2,756,647) shows that quaternary ammonium compounds are well known for their broad spectrum antimicrobial activity.

3. The prior art submitted by Applicant have been considered and made of record, note attached PTO-1449.

4. Claims 26-30 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in Paper No. 7.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

  
PETER CHIN  
PRIMARY EXAMINER  
GROUP 1300